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September 19, 2022

VIA ECF

Honorable Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: Marc Sevelovitz and Andrea Sevelovitz v. Target
Corporation
SJD File No.: 384-9747
Civil Action No.: 7:21-cv-07737

Dear Hon. Judge Karas:

This office represents defendant, Target Corporation ("Target"), in connection with the above-referenced matter. Kindly allow the following to serve as a joint status report by the parties and request for a stay of the October 1, 2022 fact discovery deadline pending mediation.

To date, the parties have been diligently working through fact discovery. The completion of fact discovery has been complicated by plaintiff's ongoing medical treatment and the need to procure his updated medical records, as well as records from new medical providers. The remaining items needing to be addressed is the deposition of Target and completing the deposition of plaintiff, which had been left open due to his ongoing medical treatment and need to procure his prior medical records pertaining to his claimed injuries.

The parties have been engaging in settlement discussions and believe that it would be beneficial to have a third-party mediate the case. A mediation with a mutually agreeable private mediation is presently scheduled for October 3, 2022. This was the first available date to all parties and the mediator. The parties are optimistic that the matter will resolve at

Honorable Kenneth M. Karas
September 19, 2022
Page 2

mediation. Unfortunately, the mediation date is beyond the current fact discovery deadline.

Pursuant to the August 1, 2022 Order, the Court granted the parties a final extension of the fact discovery deadline to October 1, 2022; plaintiff's expert disclosure is due October 31, 2022; and Target's expert disclosure is due November 30, 2022. The parties are mindful that the Court advised that no further extensions would be permitted. Given the recent settlement discussions and scheduled mediation, the parties respectfully request that the fact discovery deadline be stayed so that the parties can proceed with the mediation and not incur the additional costs of depositions and completion of fact discovery. Should the matter not resolve at mediation, the parties will immediately inform the Court and respectfully submit that they can complete the remaining fact discovery by October 31, 2022, the same deadline as plaintiff's expert disclosure. The remaining deadlines in the Court's August 1, 2022 Order need not be held in abeyance, nor do the parties require an adjournment of the Case Management Conference scheduled for December 20, 2022.

There have been no prior applications for a stay of discovery deadlines in this matter. The Court graciously granted the parties' joint applications to extend the discovery deadlines on March 25, 2022, May 26, 2022 and August 1, 2022.

Thank you for this opportunity to address the Court.

Granted.

So Ordered.

9/19/22

IEH:

730944

Respectfully submitted,

/s/ Ian E. Hannon
Ian E. Hannon

cc: VIA ECF
Glen Verchick, Esq.
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